REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 21, 2004 ("*Office Action*"). Claims 1, 6-8, 13-17, 22-24, 28-29, 31, and 36-48 were pending in the Application and stand rejected. Applicants amend Claim 8 to correct a typographical error. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1, 6-8, 13-17, 22-24, 28-29, 31, and 36-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2002/0001302 A1, which issued to Pickett ("*Pickett*"), in view of U.S. Patent No. 6,100,882, which issued to Sharman et al. ("*Sharman*"). To establish obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03.

Applicants' independent Claim 1 recites:

> A method for communicating voice and text associated with a packet-based voice communications session comprising:
> receiving voice information from a local participant in a packet-based voice communications session having at least one remote participant;
> converting the voice information into text;
> generating a first stream of packets encoding the text;
> generating a second stream of packets encoding the voice information;
> communicating the first stream of packets to the remote participant using transmission control protocol (TCP); and
> communicating the second stream of packets to the remote participant using user datagram protocol (UDP);
> wherein the packet-based voice communications session comprises an Internet protocol (IP) telephony communications session.

Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of this claim.

Among other aspects of Claim 1, *Pickett* in view of *Sharman* fails to teach or suggest "generating a first stream of packets encoding the text" and "communicating the first stream of packets to the remote participant using transmission control protocol (TCP)." With regard to these elements, the *Office Action* cites various unrelated portions of *Pickett*. *Office Action*,

at p. 4. For example, the *Office Action* cites to paragraphs 297 and 298. However, in these paragraphs *Pickett* discusses tapping into Time Division Multiplexing (TDM) data streams to perform voice recognition and speech to text conversion. For example, *Pickett* discusses tapping into TDM data streams to have voice mail stored as voice mail and also as an email or other data form. Applicants respectfully submit that tapping into TDM data streams to perform these services fails to teach or suggest "generating a first stream of packets encoding the text" and "communicating the first stream of packets to the remote participant using transmission control protocol (TCP)."

The Examiner also cites to an unrelated portion of *Pickett* discussing video conferencing. *Office Action*, at p. 4. In paragraph 194, *Pickett* discloses using TCP/IP to transmit video data. However, Applicants respectfully submit that using TCP/IP to transmit video data fails to teach or suggest "generating a first stream of packets encoding the text" and "communicating the first stream of packets to the remote participant using transmission control protocol (TCP)." Furthermore, *Sharman* fails to provide these missing elements.

For at least these reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of independent Claim 1. For analogous reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of independent Claims 8, 17, 24, 31, and 38. The remaining claims depend from and therefore incorporate the elements of the independent claims shown above to be allowable over *Pickett* in view of *Sharman*. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of all pending claims.

In addition, various dependent claims provide additional elements not taught or suggested by *Pickett* in view of *Sharman*. Consider dependent Claim 40, which recites:

> The method of Claim 1, further comprising detecting a degradation in a quality of the packet-based voice communications session before communicating the first stream of packets to the remote participant.

Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of this claim as well.

As teaching the elements of Claim 40, the *Office Action* first cites two unrelated portions of *Pickett*. *Office Action*, at p. 13. The first portion mentions that signal processing

may be performed after detecting errors on analog telephone lines. *Pickett*, at paragraphs 104 and 105. However, performing signal processing after detecting errors on analog telephone lines fails to teach or suggest "detecting a degradation in a quality of the packet-based voice communications session before communicating the first stream of packets to the remote participant." The second portion discusses various technologies that may be used to enhance voice quality associated with voice over Internet protocol (VoIP) communications: dynamically adjustable jitter buffers, packet-loss correction, noise-level matching, and rerouting voice data over alternative networks. *Pickett*, at paragraph 363. However, these various technologies fail to teach or suggest "detecting a degradation in a quality of the packet-based voice communications session before communicating the first stream of packets to the remote participant." Thus, neither of these portions of *Pickett* teaches or suggests the recited claim language.

Next, the *Office Action* cites a portion of *Sharman*. *Office Action*, at p. 13. This portion recites:

> [The] text recording process can be turned on and off during the audio conference (ie typically only a single node will turn on the text recording process). Note also that the ability to only record selected portions of the conference is useful to prevent the minutes becoming excessively long. Typically text recording might be turned on after a point has been discussed to allow the conclusions and any necessary actions arising therefrom to be minuted.

Sharman, at col. 4, ll. 1-8. Thus, *Sharman* discloses recording text during an audio conference and suggests that such recording might be useful to take minutes related to the audio conference. However, recording minutes in an audio conference in no way teaches or suggests "detecting a degradation in a quality of the packet-based voice communications session before communicating the first stream of packets to the remote participant."

For at least these reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of dependent Claim 40. For analogous reasons, Applicants respectfully submit that *Pickett* in view of *Sharman* fails to teach or suggest every element of independent Claim 38 as well as dependent Claims 42, 44, 46, and 48. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 38, 40, 42, 44, 46, and 48.

13

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Kurt M. Pankratz
Reg. No. 46,977

Date: Sep 17, 2004

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980
Tel. 214.953.6584

Customer Number **05073**